

FILED

MAR 26 2008

NORTHERN

DISTRICT OF

CALIFORNIA

HAROLD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

BRYAN MITCHELL JONES
a/k/a DAVID EUGENE MARCUM

(Name and Address of Defendant)

Venue: SAN FRANCISCO

CRIMINAL COMPLAINT

JCS

CASE NUMBER: 3 08 70173

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 21, 2000, in San Francisco County, in the Northern District of California, the defendant did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws in violation of Title 18 United States Code, Section 1542, False Statement in a Passport Application.

I further state that I am a Special Agent and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 USC Section 1542:

10 years of imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:

AUSA Owens

Continued on the attached sheet and made a part hereof: Yes NoArrest Warrant Requested: Yes No

Bail Amount: _____

Sworn to before me and subscribed in my presence,

March 26, 2008

Date

at San Francisco, California

City and State

Signature of Complainant, Jeffrey Dubsick

Signature of Judicial Officer

Joseph C. Spero
United States Magistrate Judge

Name & Title of Judicial Officer

UNITED STATES DISTRICT COURT)
NORTHERN DISTRICT OF CALIFORNIA) ss. AFFIDAVIT
)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
CHARGING BRYAN MITCHELL JONES
A/K/A DAVID EUGENE MARCUM
WITH VIOLATING 18 U.S.C. § 1542;
FALSE STATEMENT IN APPLICATION FOR A PASSPORT

I, Jeffrey C. Dubnick, being duly sworn, depose and state:

Affiant Background

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States State Department. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud and to apply for and serve arrest warrants.

2. I have a bachelor's degree from the University of California and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since December 2004, and have received and receive, on an ongoing basis, training in the laws, rules and regulations concerning passports. My previous investigations have resulted in at least 40 convictions for passport fraud or a related offense.

Purpose of Affidavit

3. This affidavit establishes probable cause to arrest BRYAN MITCHELL JONES, for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he applied for a passport and falsely stated his name was DAVID EUGENE MARCUM, when his true name is BRYAN MITCHELL JONES.

4. This affidavit is based in part upon my personal knowledge, interviews, and the review of various records and documents obtained during this investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation, however, no detail or fact that would potentially negate probable cause has been excluded.

Relevant Statute

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a

person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

6. Title 18 U.S.C. § 1542 states, in pertinent part, "Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this title...or imprisoned not more than 10 years...or both." Title 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

7. On or about November 21, 2000, a person purporting to be DAVID EUGENE MARCUM submitted an application for a United States passport at the San Francisco County Clerk's Office, which is located in the Northern District of California. A review of this application and other State Department records disclosed this person submitted a passport application photograph and that he listed his name as DAVID EUGENE MARCUM, his place of birth as San Francisco, California, and his date of birth as July 26, 1955.

8. On March 20, 2008, I reviewed San Francisco County Death Certificate number 388381548. The review disclosed the following information:

Name: DAVID EUGENE MARCUM
Place of Birth: San Francisco, CA
Date of Birth: July 26, 1955
Date of Death: March 6, 1988
Cause of Death: listed as "AIDS"

9. On March 20, 2008, I reviewed an August 2002 diplomatic cable sent by the State Department to the U.S. Embassy in Manila, Philippines. The cable instructed the Embassy to request extradition of BRYAN MITCHELL JONES, a/k/a DAVID EUGENE MARCUM, to the United States. The cable reported that BRYAN MITCHELL JONES was wanted by law enforcement in Oregon for failing to appear at sentencing for a 1994 Child Sexual Assault case.

10. On March 20, 2008, I reviewed records on file at the United States District Court in Guam. This review disclosed that BRYAN MITCHELL JONES had been extradited to Guam in 2005, and is presently in the United States.

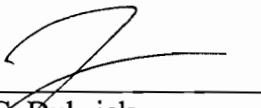
11. On March 20, 2008, I obtained a copy of a police booking photograph from the 2005 arrest/extradition of BRYAN MITCHELL JONES. I compared the person in this photograph to the person in above mentioned DAVID EUGENE MARCUM passport application photograph, and observed them to be one and the same.

12. On March 20, 2008, I compared a previous address listed in public databases for the names of DAVID EUGENE MARCUM and BRYAN MITCHELL JONES. This comparison showed both names were listed at an address in Daly City.

Conclusion

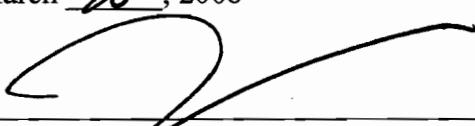
13. Based on the facts and information, specifically, the Oregon police report, the photograph comparison, and the shared addresses of the two identities, I believe probable cause exists that BRYAN MITCHELL JONES made a false statement in a passport application, in violation of 18 U.S.C. § 1542, when he falsely stated his name was DAVID EUGENE MARCUM, on the aforementioned passport application submitted at the San Francisco County Clerk's Office in the Northern District of California. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Jeffrey C. Dubsick
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON March 26, 2008



THE HONORABLE JOSEPH C. SPERO
United States Magistrate Judge
Northern District of California